

VZCZCXRO0813
PP RUEHBZ RUEH DU RUEHGI RUEHJO RUEHMA RUEHMR RUEHPA RUEHRN RUEHTRO
DE RUEHAN #0764 3190716
ZNR UUUUU ZZH
P 140716Z NOV 08
FM AMEMBASSY ANTANANARIVO
TO RUEHC/SECSTATE WASHDC PRIORITY 1780
INFO RUEHZO/AFRICAN UNION COLLECTIVE PRIORITY
RUEHLO/AMEMBASSY LONDON PRIORITY 0072
RUEHFR/AMEMBASSY PARIS PRIORITY 1048
RHMFISS/CDR USAFRICOM STUTTGART GE PRIORITY
RUEAIIA/CIA WASHDC PRIORITY

UNCLAS ANTANANARIVO 000764

SENSITIVE
SIPDIS

STATE FOR AF/E-MBEYZEROV, AF/RSA, G-ACBLANK, G/TIP-RYOUSEY
PARIS FOR RKANEDA
LONDON FOR PLORD

E.O. 12958: N/A
TAGS: [PHUM](#) [KTIP](#) [MA](#)
SUBJECT: ANTANANARIVO: TIP INTERIM ASSESSMENT RESPONSES

REF: 08 SECSTATE 110849

11. (SBU) SUMMARY: The GOM set high goals in 2007 with a string of legislative achievements and hands-on efforts to push the administration's fight against child labor and human trafficking into the field via training programs, victim's assistance, and awareness campaigns. This drive seems to have slowed in 2008, however, as the laws have not been implemented effectively across the country. A lack of statistics hampers efforts to monitor regional implementation, but the evidence suggests that despite continued vocal support from the national leadership, change on the ground has been slow to come. END SUMMARY.

12. (SBU) The December 2007 anti-trafficking law has not yet been used to prosecute or punish traffickers. According to Ministry of Justice (MOJ) officials, the law has been actively disseminated to the 22 regions, and magistrates all over the country have been trained in its use. However, lack of precedent, lack of coordination among the ministries, and the lack of a presidential decree mandating and codifying its use may be hindering implementation of the law in practice. Without a formal system for tracking such cases, MOJ officials leave open the possibility that individual jurisdictions may be using the law, but the evidence suggests this is unlikely - several possible cases from high-risk areas came to trial in 2008, but none made use of the anti-trafficking law. Three French citizens' cases for indecent assault or statutory rape were either dismissed or punished with suspended sentences, while the case of a French-Vietnamese couple being tried for pandering in January 2008 was dismissed for inability to overcome reasonable doubt. The verdict is under appeal, but has not yet been reexamined; the couple reportedly still operates a hotel in Nosy Be.

13. (SBU) There is still no formal process for law enforcement officials to refer victims for assistance. There are three government-run welcome centers in the country, and a "protection network" in 14 locations around Madagascar that bring interested parties in the government and NGOs together to assist victims. Their actual usage, however, depends largely on the extent to which NGOs and IOs proactively engage with the local law enforcement and health structures.

14. (SBU) In September 2008, the U.S. Department of Justice's ICITAP program concluded a project to develop a centralized database for documenting and tracking trafficking cases nationwide. Training on the program was conducted both in the capital and in several high-risk regions, and it remains a positive example of increased cooperation between the Gendarmerie and the Police in this field; however, financial

and legal issues threaten to derail the project. Although operational for several months now, the center still lacks a presidential decree giving its work legal standing, and the financial backing for its future operations remains uncertain.

¶5. (SBU) Although some officials were punished in 2007 for colluding with traffickers or accepting bribes to overlook trafficking crimes, the Ministry of Justice was unable to report any such cases in 2008. Several of the cases reported in Madagascar's 2008 TIP report did result in suspensions being served (the district chief and the president of the tribunal in Nosy Be, and the president of the tribunal in Fort Dauphin) or officials being relocated (as in the case of a prosecutor in Fort Dauphin), but no more severe punishments or new cases have been reported.

¶6. (SBU) COMMENT: Although unlikely, it remains a possibility that the situation outside of the capital is more positive than MOJ officials are able to convey. The almost complete lack of statistics in this field make it difficult to gauge the true impact of the substantial investment that NGOs and donors have made in high-risk locations such as Nosy Be, Diego Suarez, or Fort Dauphin. In the next two months, post will be conducting further research in the field that may provide further insight into Madagascar's apparent difficulty implementing its 2007 legislative framework. END COMMENT.
MARQUARDT